

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**DOMINIC D. ALICEA,**

**Defendant.**

**CASE NO. 8:13CR270**

## TENTATIVE FINDINGS

The Court has received the Presentence Investigation Report (“PSR”) in this case and the government’s Objection to Presentence Investigation Report and Plaintiff’s Statement (Filing No. 40). The Defendant did not object to the PSR, but filed a Sentencing Memorandum (Filing 44) in which the Defendant requests the Court grant a variance from his guideline range. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The government's "Objection to Presentence Investigation Report and Plaintiff's Statement" (Filing No. 40) will be heard at the sentencing hearing;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final;

5. The Defendant's Sentencing Memorandum (Filing 44) and request for a variance from his guideline range will be heard at sentencing; and

6. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 10<sup>th</sup> day of March, 2014.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge